PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY , JUNE 26 , 1990

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING June 26 ,19 90 , IN Regular SESSION. PRESIDENT Charles B. Redd IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine , AND Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BRADBURY , BURNS , EDMONDS ,
GiaQUINTA , HENRY , LONG ,
REDD , SCHMIDT , TALARICO ,

ABSENT:

COUNCILMEMBER: , ,
, ,

THE MINUTES OF THE LAST REGULAR June 12 ,19 90 ,
,19 ,
SPECIAL ,19 ,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 26th day of June, 19 90, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 26th day of June, 19 90.

Sandra E. Kennedy

City Clerk

The City of Fort Wayne

6 June 1990

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-90-05-13

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
6th day of June 1990.

Robert Hutner
Secretary

FACT SHEET

Z-90-05-13
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE
Zoning Ordinance Amendment
From R-3 to B-3-B

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
924 & 926 St Marys Av

Reason for Project
Expansion of existing legal non-conforming use.

Discussion (Including relationship to other Council actions)

21 May 1990 - Public Hearing

See Attached Minutes of Meeting

4 June 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the eight (8) members present seven (7) voted in favor of the motion one (1) did not vote.

Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Bruce Griffin City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	☐ For ☒ Against Reason Against - approval would have a negative impact on the residential integrity of area
Board or Commission Recommendation	By ☒ For ☐ Against ☐ No Action Taken ☐ For with revisions to condition (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pas

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 4 April 1990

Projected Completion or Occupancy Date 6 June 1990

Fact Sheet Prepared by Date 6 June 1990

Patricia Biancaniello

Reviewed by Date 6/7/90

Reference or Case Number

Change of Zone #428
From R-3 to B-3-B
924 & 926 St Marys Av

Bruce Griffin, 1209 W Fourth Street, petitioner appeared before the Commission. Mr. Griffin stated that he has been running "Griffin Heating and Air Conditioning" on the property in question for approximately 9 years. He stated they have been running the business with the approval of the Board of Zoning Appeals. He stated that they now wish to expand and make improvements to the business but are hesitant to do so with only a variance for permission. He stated that they are afraid to invest a great deal of money without the proper zoning. He stated that they have already invested in the property and upgraded it with landscaping and repairs to the structure as well as tearing down a dilapidated house to the south of their property. He stated that they want to stay in this location and make even more improvements to this property. He stated he felt their plans would upgrade the community. He stated that they are somewhat surrounded by commercial businesses to the north and east of their property. He stated that they also employ approximately 5 to 6 people who live in the neighborhood and by expanding could add to their future employment.

Gerry Deal, President of the Hamilton Association for Neighborhood Development appeared before the Commission. She presented the Commission with a letter from the association stating that they were in favor of and supported the rezoning request of Mr. Griffin's. She stated that Mr. Griffin had met with the association in March and explained his plans to them. She stated that after the discussion with Mr. Griffin the Board and members of the association felt they could support the rezoning request. Mrs. Deal stated that Mr. Griffin has maintained his business well and has been a good neighbor. He is an active member of the association. She stated that the Board felt his request would be a reinvestment and an asset to the area.

John Shoaff stated that there is residential zoning to the west and south of the property.

Mr. Griffin stated that there are businesses to the north and east. Mr. Griffin stated that they are considering purchasing the present commercial zoned property to the north but do not want to invest if their property is not legally zoned for their use. He stated the business on the corner is in disrepair and they are willing to invest in the property to improve the structure.

Mark Gensic questioned if Burgess Street was parallel with the railroad spur.

Mr. Griffin stated that it does. He stated it is north of Burgess Street about one block.

Mel Smith questioned how long Mr. Griffin had been located on St. Mary's Avenue.

Mr. Griffin stated that he had been located on St. Mary's approximately 9 to 10 years.

Mel Smith questioned what would happen if this property is not rezoned.

Mr. Griffin stated that it will hinder there growth. He stated that this will prevent them for upgrading the structure they are located in and making the structure more visually appealing to the area.

Wil Smith questioned what they have already done in the area to halt deterioration.

He stated that they purchased and have demolished a dilapidated two story house just adjacent to their property. He stated they have put a new deck on the front of their building. He stated that they have done some landscaping. He stated they have also put in their own sidewalks. He stated that they have removed shrubs and brush from the area and gravelled areas that were nothing but mud. He stated that there are more improvements they would like to do but are afraid to invest the money without the proper zoning.

Mr. Griffin stated that they would also like the rezoning in order to place some signs on the property advertising the business.

David Long questioned Mrs. Gerry Deal as to why they feel that this rezoning would have a positive impact on the area.

Mrs. Deal stated that Mr. Griffin has taken good care of the property. He has made improvements and made the area look nice. She stated he has told them he wants to do more upgrading to the property. He also wants to purchase the building on the corner and upgrade that property and structure. She stated that they have been an asset to the area.

David Long questioned how the people in the immediate area feel about the rezoning.

Mrs. Deal stated that Mr. Griffin informed her that he can get the people to come down and testify to the fact that they are in favor of the request.

David Long stated that one of the reasons the staff has recommended Do Not Pass is they see this as further commercial encroachment into an area that is coming back to its residential integrity.

Mr. Deal stated she did not see that with Mr. Griffin's business.

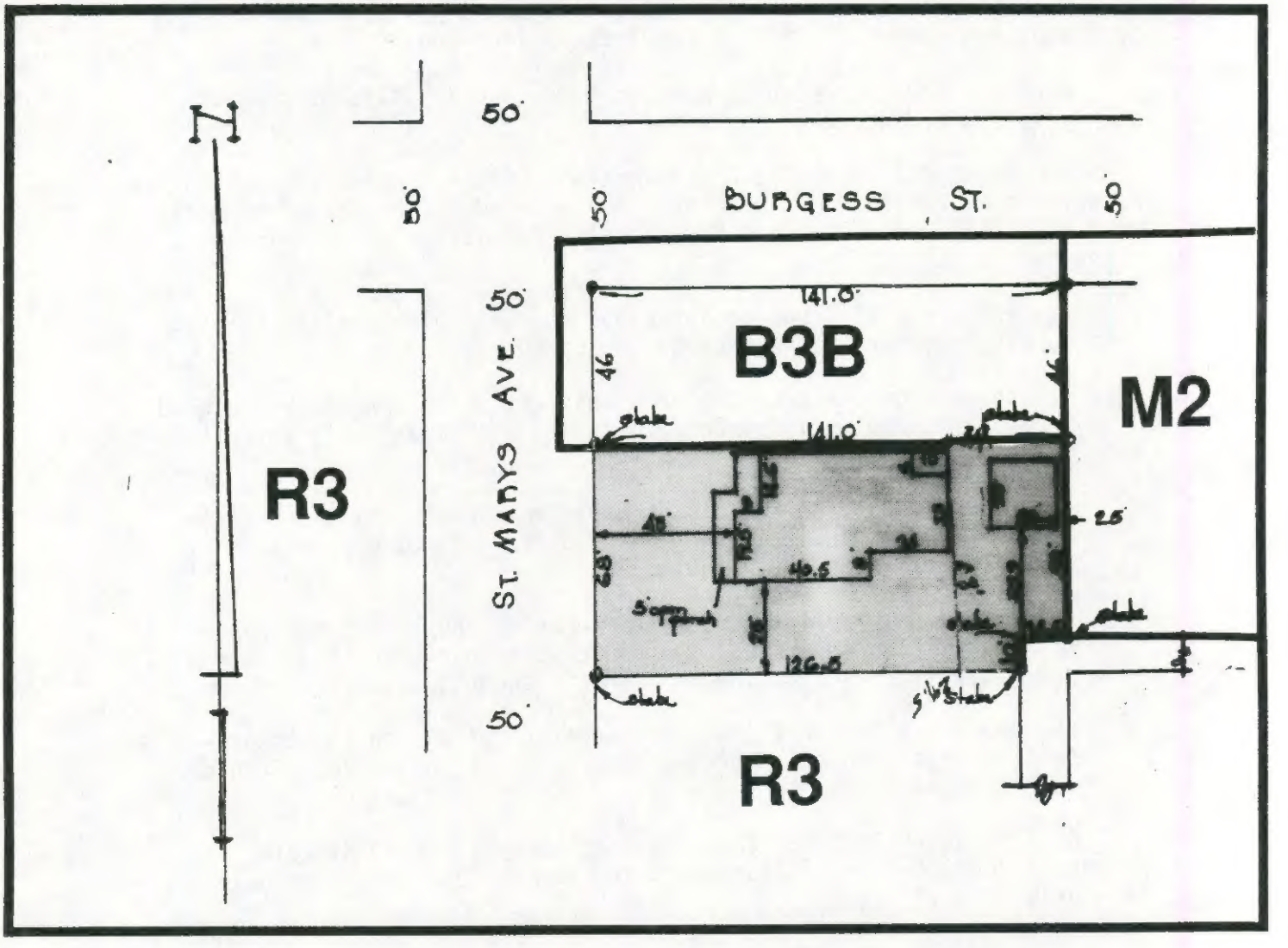
There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

REZONING PETITION #428

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A **R3** DISTRICT TO A **B3B** DISTRICT.

MAP NO. **K-6**

COUNCILMANIC DISTRICT NO. **4**



ZONING:

R3 RESIDENTIAL DISTRICT

B3B GENERAL BUSINESS "B"

M2 GENERAL INDUSTRY

LAND USE:

☐ *SINGLE FAMILY*

☐ *COMMERCIAL*

LW

SCALE: NTS

DATE: 4-26-90

N

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 22, 1990 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-90-05-13; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 21, 1990.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held June 4, 1990.

Certified and signed this
6th day of June 1990.

Robert Hutner
Secretary

Bruce S. Griffin requests a change of zone from R-3 to B-3-B.

Location:	924-926 St. Marys Avenue
Legal:	See file
Land Area:	Approximately 9,443 Sq. Ft.
Zoning:	R-3
Surroundings:	North B-3-B South R-3 East B-3-B & M-2 West R-3
Reason for Request:	Not stated on petition.
Neighborhood Assoc.:	Northwest Central / Bloomingdale

Neighborhood Plan: The location of the petition is in the area described by the Northwest Central / Bloomingdale Neighborhood Plan.

The land use recommendations and policies contained in this plan are designed to support and maintain the single-family character of the neighborhood.

Specifically, the plan recommends that the area in which the petitioner is located be downzoned. Furthermore, the plan discourages the expansion of commercial uses into residential areas or outside of existing commercially zoned areas. In contrast to the petition, the neighborhood plan states that "new commercial uses should be focused toward the Wells Street commercial area..."

Granting this petition would harm the residential integrity of the neighborhood and violate the Neighborhood Plan.

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The three main goals in the Central Area, where this request is located, are: 1) to maintain existing development; 2) to halt deterioration and, 3) to encourage reinvestment. While a portion of this property is B-3-B, this proposal

would establish a poor precedent since the remainder of this area is predominately residential.

Landscape: No comment.

Planning Staff Discussion:

This parcel is located approximately at the southeast corner of Burgess and St. Marys. Our records indicate that a variance was granted in 1981 for a professional office at this location. That variance request also covered an ID sign, front yard setback and the establishment of off-street parking. (BZA Case 81-1981-Z)

The requested B-3-B zoning would allow a number of retail, repair and service uses, including plumbing, heating, air conditioning or electrical service shops. A number of capital improvements have been made in the area in recent years, indicating a desire to maintain and improve the residential quality of life. The other commercial classifications in the area appear to be older designations, with no recent rezoning activity in the area.

While the operation that is being run from this site now appears to somewhat acceptable to the neighborhood, an intensification of use could have a negative impact on the surrounding area.

Recommendation: Do Not Pass, for the following reasons,

1) Approval would be in contradiction to the principles of both the Neighborhood Plan and the Comprehensive Plan for this area.

2) Approval could have negative impacts on the residential integrity of the area and associated property values.

The City of Fort Wayne

6 June 1990

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-90-05-14

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
6th day of June 1990.

Robert Hutner
Secretary

FACT SHEET

Z-90-05-14
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment From R-1 to B-3-B		

DETAILS

Specific Location and/or Address

Northwest corner of Edsall & Winch Street

Reason for Project

New repair facility for Steamatic Inc.

Discussion (Including relationship to other Council actions)

May 21, 1990 - Public Hearing

Neil Kobi, 2502 Getz Road, agent for the petitioner Steamatic of Fort Wayne Inc., appeared before the Commission. Mr. Kobi stated that they are requesting to rezone from R-1 to B-3-B Lots 13 through 18 for the purpose of building a service repair facility for Steamatic Inc. He stated they intend to build a 6900 square foot structure on the property. He stated they also have future expansion plans in the next 5 years for another 5000 square foot structure. He stated that the staff has recommended that they perfect the petition to exclude Lots 13 and 14 from the request. He stated that they have already submitted a new legal excluding those lots and have applied to the Board of Zoning Appeals for parking on these two lots..

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Steamatic Inc of Fort Wayn City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [ ] For [ ] Against [ ] No Action Taken [X] For with revisions to condition (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pas

DETAILS

June 4, 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation with the following conditions:

1) Petition is to be perfected to exclude Lots 13 & 14 and petitioner has provided a revised legal description.

Of the eight (8) members present seven (7) voted for the motion (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

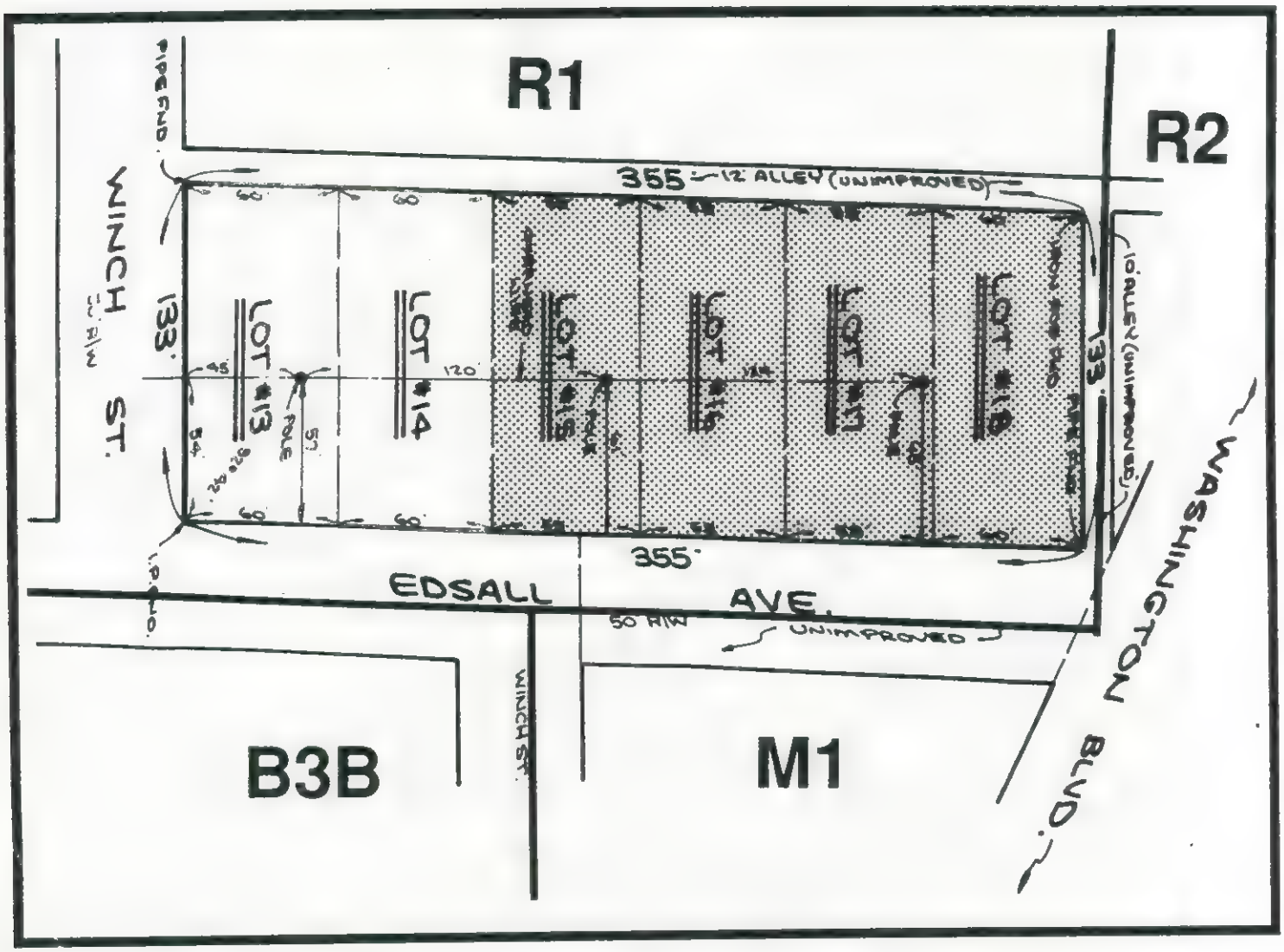
Project Start	Date	18 April 1990
Projected Completion or Occupancy	Date	6 June 1990
Fact Sheet Prepared by Patricia Biancaniello	Date	6 June 1990
Reviewed by L. Magtuozzi	Date	6/7/90
Reference or Case Number		

REZONING PETITION #430

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A **R1** DISTRICT TO A **B3B** DISTRICT.

MAP NO. **Q-2**

COUNCILMANIC DISTRICT NO. **1**



ZONING:

R1 RESIDENTIAL DISTRICT

B3B GENERAL BUSINESS "B"

R2 RESIDENTIAL DISTRICT

M1 LIGHT INDUSTRY

LAND USE:

☐ *SINGLE FAMILY*

☐ *COMMERCIAL*

LW

SCALE: NTS

DATE: 4-26-90

N

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 22, 1990 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-90-05-14; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 21, 1990.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held June 4, 1990.

Certified and signed this
6th day of June 1990.

Robert Hutner
Secretary

Neil H. Kobi, agent for Steamatic of Fort Wayne, request a change of zone from R-1 to B-3-B.

Location:	Edsall and Winch Streets		
Legal:	See File		
Land Area:	Approximately 1.08 acres		
Zoning:	R-1		
Surroundings:	North	R-2	
	South	R-1	Residential
	East	B3B & M-1	Commercial & Vacant
	West	R-1	Residential

Reason for Request: Not stated on Petition

Neighborhood Assoc.: Memorial Park Neighborhood Association

Neighborhood Plan: No comment.

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The three main goals of the Central Area, where this request is located, are: 1) to maintain existing development; 2) to halt deterioration, and, 3) to encourage reinvestment. This proposal is allowed by the directives of the Comprehensive Plan. These properties are on the fringe of an industrial area and there are commercial, residential and vacant properties scattered in the immediate vicinity. A B-3-B zone here could serve as a buffer between the industrial and residential areas.

Landscape: No comment.

Planning Staff Discussion:

This ground is currently vacant, as is the land to the southeast. Directly east is a commercial use. Edsall Avenue north of Winch Street is unimproved. Immediately west and south are developed residential uses. We have a dual concern in this area. First off there is an apparent need for additional commercial property, but there is also a need to protect the residential uses to the

south and west.

On the west side is an unimproved alley that has a variety of greenery that acts somewhat as a buffer between uses. The south end of this parcel faces directly into the rear yard of the residential uses.

We would suggest that this petition may represent an opportunity to both address the need for additional commercial space, and to further protect the residential integrity of the adjoining neighborhood. We would suggest that the rezoning petition be perfected to exclude lots 13 and 14. This would leave the parcel with potential commercial access from Winch Street and provide an approximate 100 foot buffer to the south. We would further suggest that if the petitioner needs to use this area for parking, that a petition through the Board of Zoning Appeals could be supported. We discussed this concern with Mr. Kobi, and both he and his clients agreed with the concerns and possible solution.

Recommendation: Perfect the petition to exclude lots 13 and 14, and grant a Conditional Approval, contingent upon the petitioner providing a revised legal, and for the following reasons:

1) Approval as perfected will allow for the creation of additional commercial land, while providing protection of the residential uses to the south.

2) Approval is consistent with the directives of the Comprehensive Plan for this area.

The City of Fort Wayne

6 June 1990

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-90-05-15

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
6th day of June 1990.

Robert Hutner
Secretary

FACT SHEET

Z-90-05-15
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE
Zoning Ordinance Amendment
From R-1 to R-2

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
411 & 412 No Inwood Dr

Reason for Project
Residential duplex development.

Discussion (Including relationship to other Council actions)

May 21, 1990 - Public Hearing

See Attached Minutes of Meeting

June 4, 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Paul G Gabet City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	☐ For ☒ Against Reason Against -predominate character of area is single family residential
Board or Commission Recommendation	By ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to condition (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pas

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start — Date 17 April 1990

Projected Completion or Occupancy — Date 6 June 1990

Fact Sheet Prepared by — Date 6 June 1990

Patricia Biancaniello

Reviewed by — Date 6/7/90

R. Mayer

Reference or Case Number

Change of Zone #429
From R-1 to R-2
411 & 412 N Inwood

William Swift, attorney representing the petitioner Paul Gabet, appeared before the Commission. Mr. Swift stated that Mr. Gabet has been working in this particular area for a couple of years. He stated that Mr. Gabet purchased the property on the east side of Inwood Dr and put a lake in and has built two house in that area. He stated that Mr. Gabet is very familiar with the flood elevations that are required. He has enhanced the area considerably with this new construction. He stated that the property on the west side of the road was in the Felger estate and the estate abandoned the property and turned it back to the city for taxes. He stated that Mr. Gabet approached him and asked if there was some way to obtain the property and they approached the attorney for the estate and they reopened the estate and got the property and now are trying to put it to some kind of use. He stated that the property to the south and west is commercial and the property to the north on the west side of Inwood is zoned RA, which allows for multi-family. He stated that the property at the corner of Reed Road and Lake Avenue is presently being developed for multi-family. Mr. Swift stated that the part of the petition that may be distasteful to the staff is the R-2 zoning. He stated that the intent here is to do condominiums, the community interest common ownership type of a project. He stated that Mr. Gabet has in mind to build another lake and surround it with three or four homes that have a common party wall, and sell them as condominiums. He stated in that way each side of the duplex would have a separate owner. He stated that under an R-2 zoning they would be willing to put conditions on the rezoning that state this as their intent. He stated that they are willing to place restrictive covenants on the property and would be willing to have input from the Plan Commission staff as to the landscaping the ingress/egress and the density. He stated that if you look at the Comprehensive Plan and the intent there, he felt it would show that this is an appropriate use for the property. He stated that there have been significant changes in the neighborhood with the development of the K-Mart shopping center to the west and the RA zoning to the north. He stated that the trend today is to go for single family attached housing. He stated that in order to obtain housing for the elderly and "empty nesters" in a price range of 50 to 60 thousand dollars you have to have a little higher density. He stated that even in the Village of Buckingham they have a mixed use - condominiums and single family detached housing. He stated the cost today of single family housing is approximately $40 a square foot. He stated that to be able to build something in a price range of $50,000 you have to keep the land cost down. He stated that the units would be about 1200 square foot on each side.

Mel Smith questioned how many units they were considering.

Paul Gabet stated six units.

Mark Gensic questioned what there intentions were with regard to the drainage problems in the area.

Mr. Swift stated that they have been talking with their engineer Jack Donovan and he has done some preliminary work and they are really waiting for the results of the hearing before investing too much time or money into the problem.

Mark Gensic stated that he is concerned whether or not putting a body of water there associated with existing drainage problems and what the outlet would be.

Mr. Gabet stated that he needs dirt and they are not allowed to bring dirt in outside of the floodfringe area. He stated they will dig the pond and use the dirt to build the area up and the land is all flat and when it does flood it floods 2 inches. He stated that the ponds hold that water and the one they already have is working well for drainage.

David Long questioned if there was any residential construction going on in this area with the exception of the building being done by Mr. Gabet.

Mr. Gabet stated there was not.

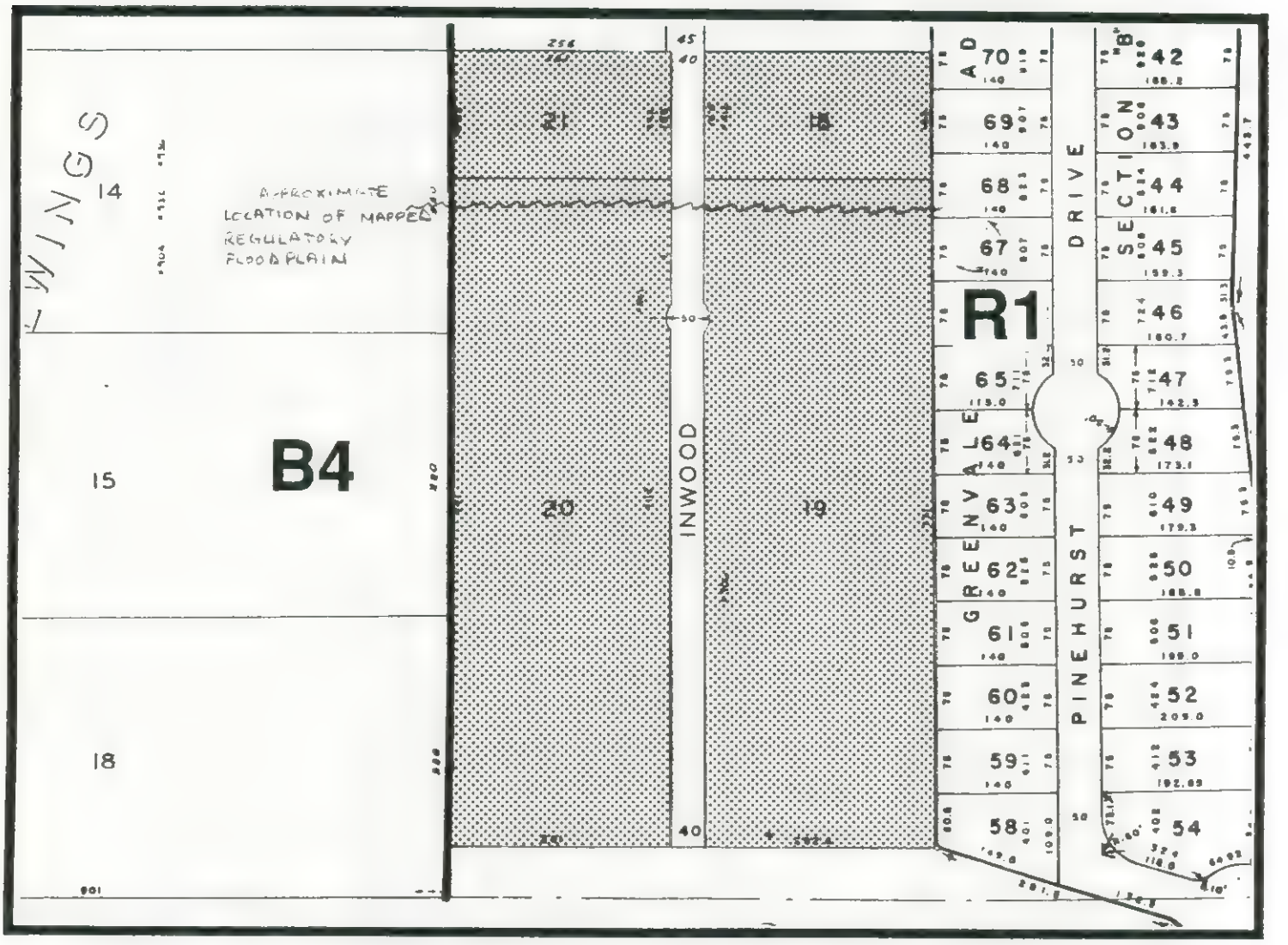
There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

REZONING PETITION #429

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A **R1** DISTRICT TO A **R2** DISTRICT.

MAP NO. **S-10**

COUNCILMANIC DISTRICT NO. **2**



ZONING:

R1 RESIDENTIAL DISTRICT

B4 ROADSIDE BUSINESS

LAND USE:

☐ *SINGLE FAMILY*

☐ *COMMERCIAL*

LW

SCALE: 1" = 200'

DATE: 4-26-90

N

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 22, 1990 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-90-05-15; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 21, 1990.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 4, 1990.

Certified and signed this
6th day of June 1990.

Robert Hutner
Secretary

William D. Swift, attorney for Paul G. Gabet et al, requests a change of zone from R-1 to R-2.

Location:	411 and 412 N. Inwood Drive and all real estate fronting on Inwood to the south.		
Legal:	Lot 18, 19, 20, and 21 Curdes Homewood Acres.		
Land Area:	Approximately 10.98 acres.		
Zoning:	R-1		
Surroundings:	North	RA & R-1	Residential
	South	R-1	Golf Course
	East	R-1	Single Family
	West	B-4	Commercial
Reason for Request:	Not stated on petition.		
Neighborhood Assoc.:	None		
Neighborhood Plan:	No comment.		
Comprehensive Plan:	The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The goal of the Middle Ring is to maintain investment and prevent deterioration. This proposal is within the guidelines given in the Comprehensive Plan. An R-2 would serve as a good buffer between the commercial development to the west and the residential development to the east.		
Landscape:	No comment.		

Planning Staff Discussion:

This area of Inwood Drive is zoned R-1. Greenvale Addition is a single family residential development located to the east, and to the west there has been commercial development based on the Coliseum Blvd. frontage. Lakeside Golf Course is located to the south, and is in the floodplain. Inwood Drive terminates at the south property line of lots 19 and 20 and appears to be a forty foot right-of-way.

The requested R-2 zoning would allow each lot of record to be developed for a duplex residential use. Approval of this

petition for a change of zoning would not alter the need for compliance with the Subdivision Control Ordinance, nor the need to verify floodplain status based on elevations.

There are no R-2 zoned parcels in the immediate area. Inwood Drive south of Columbia Avenue has two parcel that are zoned RA (which allows duplex use), the remaining land is classified as R-1. While it may appear that an R-2 use could act as a buffer from the commercial properties to the west, Inwood has been predominately developed as SFR, and has new dwellings under construction. Further, Flood Protection Status maps in the office of Community and Economic Development indicate that these properties may be subject to floodplain requirements. (We would suggest that the owners review accurate elevation information prior to any additional development.) The portion of this area subject to floodplain restrictions would be in the "unprotected" fringe.

We are not aware of any changes in the area that would necessitate a change of zone. Inwood Drive is a long narrow street with intersections at Lake Avenue and Columbia Avenue. There is an access from the rear of the golf course club house but the course has barricaded their parking area so that cars can not cut through to Coliseum Blvd. New single family construction is occurring along Inwood Drive. Other recent developments in the general area include a proposed multi-family housing complex at the northwest corner of Lake and Reed, and associated improvements to Lake Ave.

Recommendation: Do Not Pass, for the following reasons:

1) The current condition and character of the area indicates the predominate residential uses to be of a single family nature.

2) Approval would not be consistent with the principles of responsible development and growth.

3) Approval of the request would not be in the best interest of the general public as there does not appear to be a need for higher density residential properties in this area.

R E T U R N C E R T I F I C A T E

Regulatory Resolution No. 64/90/E, 65/90/E, and 66/90/E

I hereby certify that I did this 12th day of June, 1990 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. SEE ABOVE of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, 1986.

CHAIRMAN, Board of Safety

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers:

64/90/E, 65/90/E and 66/90/E

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully Submitted,

Chairman, Board of Safety

REGULATORY RESOLUTION NO. 66/90/E

(Adopted June 6, 1990)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to

IMPAIRED MOBILITY PARKING (RESIDENTIAL) (EMERGENCY)

; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated May 30, 1990, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective June 6, 1990, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

IMPAIRED MOBILITY PARKING (RESIDENTIAL) (EMERGENCY)

1743 Hillside Avenue	--west side--	from 95' south of Delaware Avenue to 20' south thereof

REGULATORY RESOLUTION NO. 64/90/E

(Adopted June 6, 1990)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to

SPEED LIMIT 25 WHEN CHILDREN PRESENT (EMERGENCY)

; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated May 29, 1990, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective June 6, 1990, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

SPEED LIMIT 25 WHEN CHILDREN PRESENT (EMERGENCY)

Maplewood Road	--from Bluffton Road to Pinedale Drive

REGULATORY RESOLUTION NO. 65/90/E

(Adopted June 6, 1990)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to

STOP INTERSECTION (EMERGENCY)

; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated May 29, 1990, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective June 6, 1990, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION (EMERGENCY)

Hastings Road for Farnsworth Drive

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers:

67/90/D

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully Submitted,

Chairman, Board of Safety

RETURN CERTIFICATE

Regulatory Resolution No. 67/90/D

I hereby certify that I did this 19th day of June, 1990 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. SEE ABOVE of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, 1986.

Michael McCloskey

CHAIRMAN, Board of Safety

REGULATORY RESOLUTION NO. 67/90/D

(Adopted June 13, 1990)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to

NO PARKING (DELEGATED)

; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated June 7, 1990, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective June 13, 1990, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING (DELEGATED)

Osage Street	--east side--	from Main Street to the first alley north thereof

CALL, CONSENT AND WAIVER OF NOTICE OF A SPECIAL MEETING OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA TO BE HELD

June ~~14~~ 27 & July 12 -

WE, THE UNDERSIGNED, BEING ALL OF THE MEMBERS OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, DO HEREBY CALL A SPECIAL MEETING OF SAID COUNCIL TO BE HELD ON _____, AT _____ O'CLOCK _____, E.S.T., AND JOINTLY AND SEVERALLY WAIVE NOTICE OF THE TIME, PLACE AND PURPOSE OF SAID MEETING AND CONSENT THAT SAME BE HELD ON THE AFORESAID DATE FOR THE PURPOSE OF

Bill no. ~~G-90-05-11~~ G-90-05-11 & G-89-09-24 - June ~~14~~ 27 July 12

BILL NO. G-89-09-24 - AN ORDINANCE of the Common Council of the City of Fort Wayne, Indiana, amending Chapter 17, Article IX, Division 2 of the Municipal Code of the City of Fort Wayne, Indiana entitled "Trucks" will be discussed on JUNE ~~14~~ 27, 1990, ~~THRUSDAY~~ Tuesday, IN ROOM 128, AT 7:00 PM.

BILL NO. G-90-05-11 - AN ORDINANCE amending the Municipal Code of the City of Fort Wayne, Indiana, by establishing participation goals for Emerging Business Enterprises in City procurement and construction contracts and by creating an Emerging Business Enterprise Council to assist in dentifying and developing Emerging Business Enterprises in order to ehance their participation in City contracts will be discussed on July 12, 1990, THURSDAY, at 7:00 P.M., ROOM 128

Samuel J. Talarico _____ [signature] _____

Cletus R Edmonds _____ [signature] _____

[signature] _____ [signature] _____

Janet G. Bradbury _____ _____

_____

DATED THIS _____

_____
SANDRA E. KENNEDY, CITY CLERK

SEAL